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REPLY TO FLORIDA

September 14, 2021

By ECF Only

The Honorable Eric R. Komitee
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Does v. Hochul*, No. 1:21-cv-05067-AMD-TAM

**Response to Letter Brief of Defendant
NewYork-Presbyterian Healthcare System, Inc.**

Dear Judge Komitee:

Defendant NewYork-Presbyterian Healthcare System, Inc. (“NYP”) has filed a letter brief (Doc. 31) containing additional argument not raised by NYP at yesterday’s hearing (Doc. 28) on Plaintiffs’ Motion for Temporary Restraining Order (Doc. 2).

NYP’s letter brief is improper because it was not invited by the Court and untimely because its arguments could have been made yesterday. Moreover, the brief fails to address the most significant new development since yesterday’s hearing—the Northern District’s entry of a temporary restraining order against the Governor’s COVID-19 Vaccine Mandate in *Dr. A. v. Hochul*, No. 1:21-cv-1009 (N.D.N.Y. Sept. 14, 2021), which order Plaintiffs supplied to the Court today by Notice of Supplemental Authority (Doc. 30).

Accordingly, Plaintiffs request that the Court disregard NYP’s letter brief. Alternatively, if the Court is inclined to consider any part of the brief, then Plaintiffs request leave to file a response by 12:00 P.M. tomorrow, September 15.

Respectfully submitted,

Roger K. Gannam
Counsel for Plaintiffs

c: Counsel of Record (by ECF)